

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 10:22 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 83. An act to memorialize and honor the contribution of Chief Justice William H. Rehnquist.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. STEVENS).

At 11:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3829. An act to designate the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center.

H.R. 4204. An act to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes.

H.R. 4902. An act to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

H.R. 4912. An act to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals.

H.R. 5037. An act to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

H.R. 5311. An act to establish the Upper Housatonic Valley National Heritage Area.

The message also announced that the House has passed the following bill, without amendment:

S. 1382. An act to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of Puyallup Indian tribe.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1499) to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes, with amendment.

At 6:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4297) to provide for reconciliation on the budget for fiscal year 2006.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3829. An act to designate the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

H.R. 4204. An act to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4902. An act to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4912. An act to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were, laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-292. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to funding fully the Select Michigan Agriculture Program through the United States Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE RESOLUTION NO. 181

Whereas, the Michigan Department of Agriculture introduced the Select Michigan campaign in the Grand Rapids area to encourage Michigan residents to purchase locally grown and produced foods. Recently expanded to the Detroit area, the program uses posters, banners, and stickers in Michigan grocery stores and farmers' markets to identify locally grown food products. Since 2001, the Select Michigan program has highlighted the numerous Michigan-grown products available in the state, including apples, asparagus, blueberries, cherries, chestnuts, corn, dry beans, honey, maple syrup, peaches, and strawberries; and

Whereas, access to fresh and nutritious food products is vital to the health and well-being of Michigan residents. Michigan farms, which are second in the nation in the diversity of agricultural products grown, provide residents with a wide variety of locally grown fruits and vegetables. Identifying and marketing these products to the local population enables residents to support Michigan's agricultural industry, which contributes significantly to Michigan's economic well-being. The impact of Michigan's agriculture on our economy is estimated to be \$60.1 billion annually and growing; and

Whereas, in 2001, a one-time block grant of \$3.75 million from the United States Department of Agriculture provided support to launch the Select Michigan program. The program is able to continue due to a unique funding partnership involving the private sector and the federal government. However, to ensure all Michigan residents have access to fresh and nutritious locally grown food products and allow the Select Michigan program to expand to encompass the state, full funding of this program by the federal government is necessary: Now, therefore, be it

Resolved, by the House of Representatives. That we memorialize the Congress of the United States to fund fully the Select Michigan agricultural program through the United States Department of Agriculture; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-293. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to enacting a 2007 Farm Bill that is supportive of the specialty crop industry; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT MEMORIAL 2001

Whereas, the fruit, vegetable and tree nut production in the United States accounts for \$35 billion in farmgate value, or 33 percent of farm cash receipts, and with the addition of nursery and greenhouse production, overall specialty crops account for 51 percent of farmgate value; and

Whereas, in Arizona, fruit, vegetable and tree nut production represents a \$1 billion industry representing over 35 percent of Arizona's farm cash receipts; and

Whereas, the fruit, vegetable and tree nut industry is a critical and growing component of United States agriculture, deserving of full and equal consideration as other agricultural sectors in the Farm Bill; and

Whereas, the fruit, vegetable and tree nut industry does not seek direct program payments to growers, but rather places its emphasis on building the long-term competitiveness and sustainability of United States fruit and vegetable production; and

Whereas, government investment in the competitiveness and sustainability of the United States fruit and vegetable industry will produce a strong return on investment for all of America, not just farmers, by expanding access and availability of safe, wholesome, healthy and affordable fruits and vegetables. The Farm Bill will be a critical component in reaching the mandate of doubling fruit and vegetable consumption called for in the USDA/HHS 2005 Dietary Guidelines; and

Whereas, with the government's mandate that domestic producers meet the very highest standards in environmental regulation, labor and other areas comes the responsibility to help those producers achieve cost-effective compliance through government investment in this agriculture industry to create a fair, level playing field with international competitors who do not face the regulatory burdens of United States producers; and

Whereas, without appropriate assistance, United States fruit, vegetable and tree nut production will relocate to less restrictive foreign growing areas; and

Whereas, a thriving and competitive United States fruit, vegetable and tree nut industry will support strong growth in export markets and improve our agricultural balance of trade in order to realize the goal of increasing exports; and

Whereas, it is critical that federal policy and resources support efforts to remove the many existing international trade barriers that continue to block United States fruit, vegetable and tree nut exports. Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress recognize the importance of the specialty crop industry in the development of the 2007 Farm Bill.

2. That the United States Congress support the priorities of the specialty crop industry in the 2007 Farm Bill.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM—294. A joint resolution adopted by the Legislature of the State of Maine relative to memorializing the Secretary of the Navy to honor the gift of 1,000 acres known as the Brunswick Commons bestowed in 1719 by Pejepscot Proprietors to the Town of Brunswick forever and return it to the town at no cost; to the Committee on Armed Services.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Honorable Gordon R. England, the Secretary of the Navy, as follows:

Whereas, nearly 300 years ago, in 1719, the Pejepscot Proprietors donated 1,000 acres of land in the township of Brunswick to be laid out as a "general perpetual commonage to ye town of Brunswick forever"; and

Whereas, the Town of Brunswick accepted the gift in 1774 and laid out the 1,000 acres that would come to be known as Brunswick Commons. In 1783 a deed was conveyed to the town selectmen, and the land became property of the town forever; and

Whereas, an 1816 survey was recommended by the Town Commons committee as the correct survey of the land, and in 1891 granite monuments were placed to mark the boundaries of the deeded land; and

Whereas, the Federal Government took the majority of Brunswick Commons to build the Brunswick Naval Air Station, which served this nation well during World War II. Five of the original granite markers of the Brunswick Commons are within the boundary of the current base; and

Whereas, the base was deactivated after World War II in 1946 and recommissioned in 1951 and has been active since that date, providing support to the United States military as a vital part of America's defense system; and

Whereas, Brunswick Naval Air Station was targeted for decommissioning in the latest round of federal base closings, with the direction that the base be sold to the highest bidder instead of returning the land to its original use as described by deed; and

Whereas, the original deed clearly meant for this land to be for the common good of the Town of Brunswick and, while the subsequent use of the land for Brunswick Naval Air Station was important for our national security, the Town of Brunswick and the people of Maine feel strongly that, since the

Federal Government no longer has need of this land, it should be returned to its original source; and

Whereas, the Town of Brunswick declared in 1968 the full 1,000 acres of the Brunswick Commons to be an Historic Landmark, and the Town of Brunswick and the people of the State of Maine seek to make the original Brunswick Commons whole again, at no cost to the Town of Brunswick: Now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that Secretary England do all in his power to see that the land deeded to the people of Brunswick be returned to the people of Brunswick at no cost, now that the Federal Government no longer wants this historical tract of land; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Gordon R. England, the Secretary of the Navy, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and each Member of the Maine Congressional Delegation.

POM—295. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to authorizing and appropriating funds to allow all members of the armed forces reserve component to access the TRICARE program; to the Committee on Armed Services.

SENATE RESOLUTION No. 92

Whereas, Army National Guard members are fulfilling commitments in Iraq, Afghanistan, Bosnia, and the Sinai, with members of the Hawaii Army National Guard having recently served in Iraq and Afghanistan; and

Whereas, presently almost half of all service personnel deployed in Iraq are members of the reserve components of the United States armed forces, including members of the National Guard and Army, Navy, Air Force, and Marine Corps Reserves; and

Whereas under present law, for every ninety day period on active duty, a member of the reserve component receives one year of cost-share TRICARE health benefits if the member agrees to serve that year with a reserve component; and

Whereas, while well-intentioned, this measure does not go far enough to solve the problem of medical readiness that exists in the reserve component and can affect the mobilization and deployment of intact reserve component units; Now, therefore, be it

Resolved, By the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, that the Congress of the United States is urged to authorize and appropriate funds to allow all members of the reserve component to access TRICARE health benefit coverage on a cost-share basis, without restrictions; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense, members of Hawaii's congressional delegation, the Governor, and the Adjutant General.

POM—296. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to amend the Stafford Act to allow the use of emergency funds under the Federal Emergency Management Agency for stabilization and restoration of barrier islands; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION No. 62

Whereas, the Stafford Act is the federal act which authorizes uses of federal emergency funds under the Federal Emergency Management Agency (FEMA), with such authorized uses including re-establishment of vital and necessary infrastructure such as utilities, roads, levees, and other hurricane protection structures, hospitals, and facilities needed to house public agencies responsible for necessary public services; and

Whereas, coastal communities are dependent on the protection that barrier islands provide from storms originating off the coast, including the winds and storm surges associated with storms; and

Whereas, the storms from which the barrier islands soften the blow for coastal communities are not only hurricanes but include severe thunderstorms, tropical storms, and of course, hurricanes; and

Whereas, stabilization and re-establishment of barrier islands is an essential infrastructure need for coastal communities in the same manner as re-establishment of electricity, water, sewerage, and roads; therefore, such work on barrier islands should qualify for use of emergency funds under the Stafford Act: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the Stafford Act to allow the use of emergency funds under the Federal Emergency Management Agency for stabilization and restoration of barrier islands; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM—297. A joint memorial adopted by the Legislature of the State of Washington relative to section 5 of the Marine Mammal Protection Act of 1972 being preserved to continue protecting Puget Sound for current and future citizens of Washington and the United States to enjoy; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT MEMORIAL 4031

Whereas, Puget Sound provides significant economic and natural resource benefits to the citizens of Washington and the United States; and

Whereas, the state of Washington has adopted an oil spill prevention program with a zero spills strategy to protect the natural beauty of and economic benefits provided by Puget Sound; and

Whereas, the national marine fisheries service has listed the orca whale, Puget Sound chinook salmon, and Hood Canal summer chum under the federal endangered species act, bringing the total number of species listed as threatened, endangered, or candidate species on state and federal lists to forty; and

Whereas, in 1977, Senator Warren Magnuson declared that: "The waters of Puget Sound, and the attendant resources, are indeed a major national environmental treasure. Puget Sound ought to be strictly protected; its resources ought not to be threatened. Since tanker accidents are directly related to the amount of tanker traffic, there should not be an expansion of traffic over what now presently exists.";

Whereas, the Magnuson Amendment has protected Puget Sound waters from oil spill risks for twenty-eight years by limiting the amount of oil delivered to Washington refineries by tanker to the quantity used by Washington consumers; and

Whereas, the Washington State Department of Ecology reported in 2004 that approximately six hundred tankers a year

enter Washington waters, and additional tanker traffic would significantly increase the likelihood of oil spills in Puget Sound; and

Whereas, the Magnuson Amendment has effectively limited tankers headed for refineries at Anacortes and Cherry Point near Ferndale by prohibiting federal agencies from issuing permits for the construction or expansion of dock or related facilities unless that expansion was necessary to meet increased Washington state demand;

Now, therefore, Your Memorialists respectfully pray that section 5 of the Marine Mammal Protection Act of 1972 (33 U.S.C. Sec. 476) be preserved to continue protecting Puget Sound for current and future citizens of Washington and the United States to enjoy; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the United States Department of Commerce, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-298. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to enacting the "Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006"; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION No. 19

Whereas, the state of Louisiana currently receives only a small percentage of royalties for oil and gas production in federal waters off the coast of Louisiana; and

Whereas, other states in the United States receive fifty percent of royalties for oil and gas production on federal lands; and

Whereas, this current policy creates an inequity and results in Louisiana not receiving its fair and equitable share of royalty payments; and

Whereas, Louisiana has a greater need than other states to protect its state, its citizens and its infrastructure from coastal erosion and the effects associated with such coastal erosion, such as the impacts from hurricanes and tropical storms; and

Whereas, prior to hurricanes Katrina and Rita, Louisiana accounted for thirty percent of the commercial fisheries production of the lower forty-eight states, and ranked second in the nation for recreational harvest of salt-water fish; and

Whereas, prior to hurricanes Katrina and Rita, Louisiana produced more than eighty percent of the nation's offshore oil and gas supply while providing billions of dollars each year to the Federal treasury; and

Whereas, the United States has consistently received the economic benefits from the coast of Louisiana without Louisiana receiving its fair share of these benefits; and

Whereas, H.R. 4761 will provide the state of Louisiana up to seventy-five percent of oil and gas royalties produced off the coast of Louisiana; and

Whereas, these monies generated by the enactment of H.R. 4761 will provide billions of dollars for Louisiana over the next few decades which can be used for coastal restoration and protection; and

Whereas, leaders throughout Louisiana from Congressman Bobby Jindal, who introduced the bill, to Governor Kathleen Blanco who endorsed it, have come forward to urge its passage; Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to enact H.R. 4761, the "Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006"; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-299. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to encouraging expansion of existing, or the construction of new petroleum refineries in the United States and to urging the petroleum industry to construct new refineries to meet our increasing energy needs; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION No. 67

Whereas, the price of petroleum products has been rising out of control. Currently, the world crude oil price remains near 60 dollars a barrel, practically 30 dollars more than this time last year. Additionally, the national average price of regular gasoline is about 38 cents per gallon more than last year and diesel is almost 54 cents per gallon more than this time last year; and

Whereas, there has not been a new oil refinery built in the United States in nearly 30 years. Yet, in the intervening years, the total energy demand in the United States has grown by about 40 percent. According to the United States Energy Information Administration, the projected petroleum demand between 2003 and 2025 will increase by 30 percent. We need to plan for our future energy needs by incorporating new petroleum refineries into the United States' overall energy policy; and

Whereas, recent major investments in the Marathon Refinery located in the City of Detroit, Michigan's only refinery, will increase the output by about 28 percent, from 74,000 barrels per day to over 102,000 barrels per day. Securing Marathon's investment of \$300 million was made possible through the collaborative efforts of Marathon, the city of Detroit, and the state of Michigan. Marathon's commitment to Michigan and the collaboration with the city and state to create a renaissance zone encompassing the refinery illustrates the type of creative solutions that can be used to promote the construction of new refineries; and

Whereas, constructing new refineries would also create new jobs and increase gasoline, fuels, and distillate output—all vital components of strengthening our economy. Michigan is well placed to locate a new refinery due to our proximity with Canada, this country's largest source of imported petroleum. Moreover, Michigan's highly skilled labor force could adapt to employment in the refinery industry; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to establish a national energy policy that promotes the expansion of existing or construction of new petroleum refineries in the United States. We also urge the leaders of the petroleum industry to construct new refineries to meet our increasing energy needs; and be it further

Resolved, That it is our intention to work with local governments to identify appropriate locations for new refineries in Michigan communities that have a recognized commitment to job growth and this industry; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the United States Environmental Protection Agency, the United States Department of Energy, the Michigan Petroleum Institute, and the American Petroleum Industries of Michigan.

POM-300. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to memorializing Congress to reauthorize the Abandoned Mine Reclamation Fund; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION No. 382

Whereas, substantial coal mining has occurred in Pennsylvania for more than 130 years, and the industry has been a significant employer of our citizens for most of these years; and

Whereas, abandoned mines pose hazards in Pennsylvania of dangerous shafts, mountains of black waste, scarred landscapes, acidic drainages polluting more than 3,000 miles of our streams, and other hazards threatening human health and safety and depressing local economies; and

Whereas, at least 44 of Pennsylvania's 67 counties are affected by abandoned coal mines; and

Whereas, abandoned mines and abandoned mine lands create negative impacts on local economies by destroying recreational opportunities, lowering land values, leaving desolate communities once the mines are exhausted and ruining sites for further residential, forestry, commercial or agricultural uses; and

Whereas, reclamation of abandoned mine sites can add to the economy by creating jobs, increasing community pride, increasing property values, decreasing stress-related costs through stream-based recreation, restoring the health of the environment and providing future sites for commercial or industrial endeavors; and

Whereas, Congress established the Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 to reclaim areas abandoned before 1977 and the modern environmental standards requiring mine operators to reclaim their sites; and

Whereas, the Surface Mining Control and Reclamation Act of 1977 imposed on coal operators a fee of 35¢ per ton on surface mined coal and 15¢ per ton on underground mined coal to provide a source of revenue for the Abandoned Mine Reclamation Fund to help finance the reclamation and remediation of lands mined prior to 1977; and

Whereas, the collection of fees on mined coal applied to the Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 was set to expire on June 30, 2005, but is currently under extension to October 30, June 30, 2006; and

Whereas, Pennsylvania has relied upon the Abandoned Mine Reclamation Fund as a primary source of money to clean up toxic mine water in our water supplies, restore land, extinguish mine fires and eliminate other dangerous abandoned mine hazards: Now, therefore be it

Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to reauthorize the collection of fees on mined coal at the current levels to provide continued funding to the Abandoned Mine Reclamation Fund to address abandoned mine hazards, pollution and scarred landscapes in Pennsylvania and other States.

POM-301. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to immediately close the Mississippi River Gulf Outlet and to request that the Louisiana congressional delegation file the necessary legislation to accomplish this closure; to the

Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 38

Whereas, the Mississippi River Gulf Outlet (MRGO), a seventy-six-mile-long, man-made navigational channel which connects the Gulf of Mexico to the Port of New Orleans, was authorized by the United States Congress under the Rivers and Harbors Act of 1956 as a channel with a surface width of six hundred fifty feet, a bottom width of five hundred feet, and a depth of thirty-six feet, and it opened in 1965; and

Whereas, since MRGO was completed, the United States Army Corps of Engineers estimates that the area has lost nearly three thousand two hundred acres of fresh and intermediate marsh, more than ten thousand three hundred acres of brackish marsh, four thousand two hundred acres of saline marsh, and one thousand five hundred acres of cypress swamps and levee forests in addition to major habitat alterations due to saltwater intrusion from the loss of the marshes, which has resulted in dramatic declines in waterfowl and quadruped use of the marshes; and

Whereas, the costs of maintaining MRGO rise each year, with the cost of dredging now over twenty-five million dollars annually, or more than thirteen thousand dollars for each vessel-passage, in addition to the expenditure of millions for shoreline stabilization and marsh protection projects, with an anticipated cost increase of fifty-two percent between 1995 and 2005; and

Whereas, concerns about the environmental impact have increased through the years as evidenced by the fact that in 1998 the "Coast 2050 Report" contained closure of MRGO among the consensus recommendations, and the technical committee of the Coastal Wetland Planning, Preservation and Restoration Act Task Force listed closure as one of the highest-ranked strategies for coastal restoration; and

Whereas, in 1998 the St. Bernard Police Jury voted unanimously to request closure of the waterway because of fears that the dramatic loss of coastal wetlands and marshes caused by MRGO exposed the parish and the communities in the parish to much more severe impacts from the hurricanes and tropical storms that regularly occur in the Gulf of Mexico; and

Whereas, those concerns were echoed and amplified by scientists, engineers, and citizens throughout the region as reflected in requests from the Louisiana Legislature to congress in 1999 (SCR No. 266) and again in 2004 (HCR No. 35 and HCR No. 68) to close the waterway, and indeed, those concerns proved true in an extremely dramatic fashion on August 29, 2005, when Hurricane Katrina struck Louisiana's coast with a tidal surge well in excess of twenty feet; and

Whereas, there is a growing consensus that the flooding that occurred in St. Bernard Parish, New Orleans East, and the Lower Ninth Ward of New Orleans was a result of storm surge that flowed up MRGO to the point where it converges with the Intra-coastal Waterway and that the confluence created a funnel that directed the storm surge into the New Orleans Industrial Canal, where it overtopped the levees along MRGO and the Industrial Canal and eventually breached the levees and flooded into the neighborhoods that lie close to those three waterways, resulting in more than eleven hundred deaths in the Greater New Orleans area, including one hundred twenty-eight deaths in St. Bernard Parish, destroying over twenty-four thousand homes, and rendering more than sixty-seven thousand residents of St. Bernard Parish and uncounted numbers in New Orleans East and the Lower

Ninth Ward of New Orleans homeless, without possessions, and unemployed; and

Whereas, in addition to destroying homes, the flood waters washed away churches and other places of worship, schools, businesses, community centers, recreational facilities, utility and transportation infrastructure, in short the very fabric of society was decimated in these communities; and

Whereas, only three weeks later, on September 24, 2005, storm waters from Hurricane Rita surged up MRGO and caused additional flooding in St. Bernard Parish, New Orleans East, and the Lower Ninth Ward of New Orleans, exacerbating the traumatic losses in that area; and

Whereas, since the two hurricanes caused such widespread damage in St. Bernard Parish and New Orleans, congress has declined to appropriate further funds for dredging MRGO; and

Whereas, some engineers have opined that the current base along MRGO was damaged to the point that it will not support a Category 3 levee in the future; and

Whereas, the United States Army Corps of Engineers has stated that it has no authorization from congress to close the waterway or to fill the waterway to allow for the development of marshes and wetlands; and

Whereas, as the only entity which can authorize the waterway to be closed and which can enable the reestablishment of our essential coastal wetlands, the United States Congress must come to the aid of the citizens of Louisiana, particularly those of St. Bernard Parish and New Orleans by authorizing the immediate closure of MRGO; and

Whereas it is the responsibility of the Louisiana delegation to file the necessary legislation to accomplish the immediate closure of MRGO: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to immediately close the Mississippi River Gulf Outlet; and be it further

Resolved, That the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation to file the legislation necessary to accomplish this closure; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-302. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to enacting the "Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005"; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 14

Whereas, a [conflict in] provision of Federal law [and policy] has resulted in the operation of certain solid wastehandling facilities located on railroad property to go unregulated; that certain Federal laws, notably the "Solid Waste Disposal Act," should apply to the operation of these facilities; that [unfortunately,] a broad-reaching Federal railroad statute [forbids] *has been interpreted by some courts as forbidding* environmental regulatory agencies from overseeing the safe handling of trash at these sites; and that these unintended consequences require the attention of and swift action by the United States Congress in enacting S. 1607, the "Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005"; and

Whereas, the Federal railroad law in question was enacted most recently in the "Interstate Commerce Commission Termi-

nation Act of 1995" to protect the operation of interstate rail service; that this law grants *literally* "exclusive" jurisdiction over rail transportation, and activities incident thereto, to the Federal Surface Transportation Board; that the Board is limited to only a passive role in ensuring that rail facilities are operated with minimal detriment to the public health and safety; and that these sites require active environmental regulation in the same manner that Federal and State environmental regulatory agencies regulate the operation of conventional solid waste handling, processing, transfer and disposal facilities; and

Whereas, the recent proliferation of solid waste rail transfer facilities has affected the ability of State and local governments in New Jersey and elsewhere to engage in environmentally sound long-term solid waste management planning and enforcement; and that, nevertheless, these agencies are still responsible for responding to accidents and incidents occurring at these facilities; and

Whereas, the [State] New Jersey Department of Environmental Protection (DEP) fined New York Susquehanna and Western (NYS&W) Railway Corporation \$2.5 million for environmental violations associated with the operation of five solid waste transfer sites in North Bergen; that as a result, of seven investigations conducted from November 2004 to July 2005, DEP determined that NYS&W illegally operates five sites which load solid waste from trucks to rail cars; that one of the sites handles bulk shipments of soil and other State regulated waste associated with specific site remediation projects, while the remaining sites are open dumps that handle construction and demolition waste; and that DEP [cites] *cited* NYS&W with violating New Jersey's solid waste and air pollution laws at all five sites by loading solid and hazardous waste materials outdoors, failing to regularly clean areas in which solid waste is handled and failing to contain, collect and dispose of wastewater; and *that the District Court of New Jersey based on the Federal railroad law has temporarily restrained DEP from enforcing its solid waste regulations; and*

Whereas, in addition, DEP cited NYS&W for spilling hazardous waste, failing to contain litter and debris, and accumulating unprocessed waste in the area surrounding the facilities; that NYS&W also failed to control insects and rodents and emitted odor, dust and solid waste particles into the outdoor atmosphere in quantities resulting in air pollution; and that, notwithstanding the foregoing, *it has been argued that* Federal railroad law preempts enforcement actions such as this, even though the Surface Transportation Board has never [clarified whether it even has] *asserted jurisdiction over the processing and sorting of solid waste at a rail facility; and*

Whereas, constructing a transfer station in a former junkyard site in Elwood, a hamlet in Mullica Township, Atlantic County, a proposal by the Southern Railroad of New Jersey, is being resisted for health and safety reasons and challenged by the Pinelands Commission to respect requirements and protections accorded the Pinelands National Reserve under Federal and State statutes; and *the District Court of New Jersey has granted the State of New Jersey a preliminary injunction, ordering that the Pinelands Commission has jurisdiction over the proposed construction; and*

Whereas, the enactment of S. 1607 would ensure that Congress' intent was not to subvert the policies of the "Solid Waste Disposal Act" and other Federal and State environmental laws covering the handling of garbage; and that this bill's underlying purpose is to clarify that the true intent of Congress

in passing the solid waste law and the "Interstate Commerce Commission Termination Act of 1995" is to ensure that these laws work in tandem to provide for a robust, environmentally responsible rail system: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This Senate Resolution memorializes Congress to enact S. 1607, the "Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005," in order to address the unregulated sorting and processing of waste materials at rail facilities.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

POM-303. A joint memorial adopted by the Legislature of the State of Washington relative to enacting the "Kidney Care Quality Improvement Act of 2005; to the Committee on Finance.

HOUSE JOINT MEMORIAL 4023

Whereas, four hundred thousand Americans have irreversible kidney failure, a condition called "End Stage Renal Disease" (ESRD). ESRD is fatal unless a patient receives either dialysis or kidney transplantation. Since transplantation is limited due to the shortage of donor organs, seventy-five percent of ESRD patients must undergo regular and on-going dialysis treatment for the rest of their lives. In Washington State approximately 16,000 residents have ESRD; and

Whereas, today's ESRD patients are older and sicker due primarily to the aging of the population, and the growing incidence of diabetes and high blood pressure, fueled by the obesity epidemic. ESRD disproportionately impacts African-American and Hispanic individuals; and

Whereas, most patients with ESRD lack access to education programs about their disease that would allow them to make informed choices about their treatment and learn important self-management skills to improve their quality of life; and

Whereas, according to the most recent data available, less than one percent of all ESRD patients use home dialysis because of the barriers patients face in accessing this option. Home dialysis can improve a patient's quality of life by allowing him or her to remain employed and participate in other activities that promote well-being; and

Whereas, there is no coordinated effort between federal and state governments, health care professionals, dialysis providers, educators, patient advocates to develop programs to identify members of high-risk populations and develop culturally appropriate community-based approaches for improving the treatment of chronic kidney disease, which would lead to fewer cases of ESRD; and

Whereas, since 1972, Congress made a commitment to ESRD patients by providing coverage for the lifesaving therapy and dialysis, through the Medicare program. Medicare provides for the care of approximately seventy-five percent of patients receiving dialysis. Improvements are needed to continue to ensure access to high quality treatment for ESRD patients. Better care for patients means a better quality of life, improved rehabilitation, fewer medications, and fewer hospitalizations; and

Whereas, the rate paid by Medicare for ESRD services is the only Medicare prospec-

tive payment system without an annual update mechanism to adjust for increases. This means providers must ask Congress for increases rather than relying on the Department of Health and Human Services to make routine, data-driven decisions on payment adequacy. In the past twelve years, there have been only two increases in the ESRD composite rate, totaling 3.6 percent, to cover inflation, new technologies, and other costs, such as nurses' salaries. When adjusted for inflation, the average Medicare payment for dialysis treatment has been reduced from \$138 in 1973 to \$38 in 2000. The program is no longer sustainable under the current reimbursement structure;

Now, therefore, your Memorialists respectfully request that the United States House of Representatives and the United States Senate enact H.R. 1298 and S. 635, known as the "Kidney Care Quality Act of 2005." The Act will modernize and update treatment of ESRD by adding Medicare coverage for kidney disease patient education services, improve the home dialysis benefit, and provide for an annual update for the Medicare ESRD composite rate. A demonstration project for an outcomes-based ESRD reimbursement system, as well as a study of barriers to accessing the home dialysis benefit, will lead to future improvements in delivery of care. A chronic kidney disease demonstration project will increase public awareness about the disease, with the goal of lowering the number of persons who will need kidney dialysis: Now, therefore, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-304. A joint memorial adopted by the Legislature of the State of Washington relative to the "Diabetes Self-Management Training Act"; to the Committee on Finance.

HOUSE JOINT MEMORIAL 4038

Whereas, diabetes is now widely recognized as one of the top public health threats facing our nation today and affects more than 18 million Americans. In 2002, diabetes accounted for 132 billion dollars in direct and indirect health care costs; and

Whereas, diabetes now affects nearly 1.4 million Washington residents: Over 298,000 people in Washington have been diagnosed with diabetes; over 126,000 people have undiagnosed diabetes; and over 963,000 people have prediabetes; and

Whereas, people who have diabetes need skills to manage their diabetes and skills to help them stay active in their lives. This training is central to diabetes prevention and care; and

Whereas, chronic disease self-management programs have a proven success rate, allowing persons with diabetes to better control their diabetes; and

Whereas, persons living with diabetes who are properly trained with self-management skills are better able to prevent the deadly complications of diabetes, which can include heart disease, stroke, blindness, lower extremity amputation, and kidney failure; and

Whereas, certified diabetes educators are highly trained multidisciplinary health care professionals dedicated to delivering quality diabetes self-management training; and

Whereas, evidence has shown that access to a certified diabetes educator improves the management of diabetes, a chronic illness that requires a high level of maintenance; and

Whereas, certified diabetes educators teach people with diabetes how to maintain the

daily rigors of diet, exercise, meal planning, medication monitoring, healthy coping skills, and other factors necessary to control the disease; and

Whereas, certified diabetes educators are also on the front line of the efforts to promote prevention of diabetes; and

Whereas, Congress recognized the value of diabetes self-management training when it began covering the benefit in the Balanced Budget Act of 1997. At that time, most certified diabetes educators worked in a hospital setting and were able to bill Medicare for their services through the hospital's provider number. Unfortunately, during these tough economic times, hospitals are closing their diabetes education programs at a rate of two to five per month. This leaves diabetes educators without an avenue to provide or bill for diabetes education—services which are desperately needed to keep up with the growing number of people diagnosed with diabetes each day; and

Whereas, certified diabetes educators have received extensive training in diabetes management. They have met all criteria for initial certification, including a prerequisite qualifying professional credential in a specified health care profession, have professional practice experience in diabetes self-management training that includes one thousand hours of diabetes teaching, have passed a national examination offered by a certifying body recognized as entitled to grant certification to diabetes educators, and are required to renew the certification every five years;

Now, therefore, your Memorialists respectfully request that the United States House of Representatives and the United States Senate enact Senate Bill 626 and House Bill 3612, known as the "Diabetes Self-Management Training Act." The Act will increase access to diabetes care by adding certified diabetes educators to the current list of Medicare providers, thereby making certified diabetes educators billable providers: Now, therefore, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-305. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to reviewing and considering eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 63

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor social security benefit, and the Windfall Elimination Provision (WEP), reducing the earned social security benefit for persons who also receive federal, state, or local retirement; and

Whereas, the intent of congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, and local government employment might receive a public pension in addition to the same social security benefit as a worker who had worked only in employment covered by social security throughout his career; and

Whereas, the purpose of congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving federal, state, or

local government retirement benefits who would also be entitled to a social security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor social security benefit by two-thirds of the amount of the federal, state, or local government retirement benefit received by the spouse or survivor, in many cases completely eliminating the social security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement benefits, in addition to working in covered employment and paying into the social security system; and

Whereas, the WEP reduces the earned social security benefit using an averaged indexed monthly earnings formula and may reduce social security benefits for such persons by as much as one-half of the uncovered public retirement benefits earned; and

Whereas, because of these calculation characteristics, the GPO and WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation; and

Whereas, Louisiana is making every effort to improve the quality of life of her citizens and to encourage them to live here lifelong: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and WEP social security benefit reductions and to consider eliminating them; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation and to the school boards of Beauregard, Calcasieu, Rapides, and Vernon parishes.

POM-306. A resolution adopted by the Senate of the Legislature of the State of Illinois relative to enacting a prescription drug benefit for senior citizens that is run by the Medicare program itself; to the Committee on Finance.

SENATE RESOLUTION NO. 630

Whereas, the Medicare prescription drug benefit enacted in 2003 took effect January 1, 2006, in the form of competing "Medicare Part D" plans sold by private insurance companies; and

Whereas, senior citizens are choosing from a wide array of private plans in each geographic area, with a confusing variety of designs and formularies; and

Whereas, the law states that a Medicare plan's formulary must cover just one brand-name drug and one generic drug in each therapeutic category—a minimal requirement that will make it difficult for an older person to find all the drugs he/she takes in a single plan; and

Whereas, the drug plans will be allowed to switch the drugs in their formularies on a regular basis, making it likely that many seniors will sign up for a plan that covers a drug they take, only to find out a few months later that the drug is no longer covered by their plan; and

Whereas, the drug plans will bargain with the drug companies for lower prices, but instead of being required to pass the discounts on to seniors, they will be allowed to use the savings for advertising and overhead costs, or to increase their profits; and

Whereas, private drug plans will be unable to bargain effectively, because the Medicare

market will be divided among hundreds of plans, diminishing the negotiating power of the huge Medicare population; and

Whereas, a drug benefit that's run by the Medicare program itself, rather than private insurance, could be given the authority to negotiate prices on behalf of all 44 million beneficiaries—resulting in enormous buying power and the ability to get the lowest prices possible; and

Whereas, this was born out by a recent study conducted by Families USA (September 2005), which found that the lowest drug prices negotiated by the private sponsors of the 2004/2005 Medicare discount cards far exceeded the low prices routinely negotiated by the Department of Veterans Affairs on behalf of the nation's veteran population; and

Whereas, seniors would not only benefit by the lower prices of a Medicare-run drug plan, but many would find a Medicare choice much less confusing than having to choose the most appropriate plan from among the dozens being marketed by private insurers: Now, therefore, be it

Resolved, by the Senate of the Ninety-Fourth General Assembly of the State of Illinois, That we call upon the United States Congress to enact a drug benefit for senior citizens that is run by the Medicare program itself; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, each member of the Illinois Congressional delegation, the Speaker of the United States House of Representatives, and the President of the United States Senate.

POM-307. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to supporting democracy in Ethiopia through foreign policy efforts; to the Committee on Foreign Relations.

RESOLUTION

A resolution to encourage the President and the United States Congress to support democracy in Ethiopia through foreign policy efforts.

Whereas, the people of Ethiopia have developed and nourished a proud and distinguished culture that has endured for more than three millennia; and

Whereas, Ethiopia and the United States have had a long and productive friendship for many years; and

Whereas, the hope for democratic institutions was created in Ethiopia following the 1991 overthrow of the Communist regime of Mengistu Haile Mariam by a group that became the Ethiopian People's Revolutionary Democratic Front (EPRDF), under the leadership of Prime Minister Meles Zenawi; and

Whereas, the ascendance of the EPRDF led instead to nondemocratic, one-party rule where democratic symbols such as a free press and elections are used but are manipulated by Meles's government for their own ends; and

Whereas, elections were held on May 15, 2005, and the turnout of voters was as high as an estimated ninety percent (90%), with voters waiting in line for up to seventeen (17) hours to cast their votes; and

Whereas, despite a large turnout of electors in which many voted for the main opposition party, the Coalition for Unity and Democracy (CUD), the EPRDF government quickly declared that it had been reelected to power; and

Whereas, facing protests from high schoolers and college students sympathetic with various opposition parties, government security forces fired on the demonstrators, killing more than eighty (80) people and injuring more than one hundred (100) others; and

Whereas, Tesfaye Adane Tara, an opposition politician elected to parliament in the May elections was shot to death, allegedly by security forces; and

Whereas, human rights groups in Ethiopia alleged that more than three thousand (3,000) people were rounded up and detained following the violence in June of 2005, being held without charges and without constitutional protections of due process; and

Whereas, violence erupted again in early November of 2005; resulting in the death of at least forty-eight (48) people and injuries to hundreds of individuals, including women and children; and

Whereas, leaders of the opposition parties were once again detained and charged with treason, an offense punishable by death; and

Whereas, as many as twenty-five hundred (2,500) opposition supporters and some opposition party election observers were held in remote detention centers; and

Whereas, the Meles government has arrested numerous journalists and closed all independent newspapers in Ethiopia; and

Whereas, reports by Human Rights Watch indicate that the violence is not relegated just to the urban areas, but that checkpoints have been set up throughout the rural areas of the country, in the Oromia and Amhara regions where minority groups are prevalent and international observers are not located; and

Whereas, European Union election observers have condemned the 2005 election results as not meeting the international standard for genuine democratic elections and have reported undemocratic control of the media, a general climate of intimidation and human rights violations against opposition supporters, as well as first-hand accounts of the violence; and

Whereas, many Ethiopians still look to the Western democracies for their greatest hope, encouraging countries that donate foreign aid to intervene and place pressure on the Meles government to follow through with their promised democratic institutions and constitutional protections; and

Whereas, Britain suspended further aid to Ethiopia after the June violence; and

Whereas, members of the United States Congress have called on the Bush Administration to condition any further economic and military assistance on substantial improvements in these matters; and

Whereas, House Resolution 4423, sponsored by Representative Christopher H. Smith, has been introduced in the United States House of Representatives and calls for the consolidation of security, human rights, democracy, and economic freedom in Ethiopia; Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives urges the United States Congress to continue to encourage the formation of democratic institutions, multiparty participation, free elections, respect for fundamental human rights, and constitutional protections for all citizens in Ethiopia.

Section 2. The House of Representatives encourages the United States Congress to pass House Resolution 4423 as a means for encouraging appropriate action towards freedom and democracy in Ethiopia.

Section 3. The House of Representatives encourages the President and United States Department of State to use every possible means at their command to examine our country's foreign policies toward Ethiopia for ways to encourage democratic institutions, multiparty participation, free elections, respect for fundamental human rights, and constitutional protections for all citizens in Ethiopia.

Section 4. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to the Honorable George W. Bush, 1600 Pennsylvania Avenue, Washington, D.C. 20500; the Honorable Richard Cheney, Vice President, 1600 Pennsylvania Avenue, Washington, D.C. 20500; the Honorable Condoleezza Rice, 2201 C Street, N.W., Washington, D.C. 20520; His Excellency Kassahun Ayele, Embassy of Ethiopia, 3506 International Drive, N.W., Washington, D.C. 20008; the Honorable Dennis Hastert, Speaker of the House of Representatives, 235 Cannon House Office Building, Washington, D.C. 20515; the Honorable Mitch McConnell, 361-A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Jim Bunning, 316 Hart Senate Office Building, Washington, D.C. 20510; the Honorable Ben Chandler, 1504 Longworth House Office Building, Washington, D.C. 20515; the Honorable Geoff Davis, 1541 Longworth House Office Building, Washington, D.C. 20515; the Honorable Ron Lewis, 2418 Rayburn House Office Building, Washington, D.C. 20515; the Honorable Anne Northup, 2459 Rayburn House Office Building, Washington, D.C. 20515; the Honorable Harold Rogers, 2406 Rayburn House Office Building, Washington, D.C. 20515; the Honorable Ed Whitfield, 301 Cannon House Office Building, Washington, D.C. 20515.

POM-308. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to enacting legislation to provide additional funding for research in order to find a treatment and a cure for Amyotrophic Lateral Sclerosis; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION No. 616

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, More than 5,600 new ALS patients are diagnosed annually; and

Whereas, It is estimated that 30,000 Americans may have ALS at any given time; and

Whereas, On average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, Research indicates that military veterans are at a 50% or greater risk of developing ALS than those who have not served in the military; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" will increase public awareness of ALS patients' circumstances, acknowledge the terrible impact this disease has on patients and families

and recognize the research for treatment and cure of ALS; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize the month of May 2006 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in Pennsylvania; and be it further

Resolved, That the House of Representatives urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM-309. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to remove the TRIO programs Upward Bound and Talent Search from the list of programs to be eliminated in the 2007 budget and to memorialize congress to continue the funding of such programs; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION No. 24

Whereas, the term "TRIO" was coined by the late 1960s in reference to a series of federal educational opportunity programs created as part of President Lyndon B. Johnson's "War on Poverty"; and

Whereas, funded under Title IV of the Higher Education Act of 1965, the TRIO programs have expanded and improved over the decades to provide a wide range of services to help students overcome class-related, social, and cultural barriers to higher education; and

Whereas, the president's 2007 budget proposal requests the nationwide elimination of two TRIO programs, Upward Bound and Talent Search; and

Whereas, Upward Bound, the goal of which is to increase the rates at which participants enroll in and graduate from postsecondary education institutions, provides vital support to participants in their preparation for college entrance, and serves high school students from low-income families, high school students from families in which neither parent holds a bachelor's degree, and low-income, first-generation military veterans who are preparing to enter postsecondary education; and

Whereas, Talent Search, the goal of which is to increase the number of young people from disadvantaged backgrounds who complete high school and enroll in the postsecondary educational institution of their choice, provides academic, career, and financial counseling to its participants and encourages them to graduate from high school and also serves high school dropouts by encouraging them to complete their education; and

Whereas, Upward Bound and Talent Search are two essential programs that provide crucial services to students, such as instruction in core curriculum subjects, academic advising, tutorial services, mentoring programs, assistance in completing college and financial aid applications, and support in preparing for college entrance exams; and

Whereas, it is in the best interest of the Nation's students that Upward Bound and Talent Search, two outstanding TRIO programs, be continued because they have made, and will continue to make, significant contributions toward the improvement of education in the nation and toward ensuring that as many students as possible receive

every opportunity afforded by a quality education in the United States of America. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to remove the TRIO programs Upward Bound and Talent Search from the list of programs to be eliminated in the 2007 budget and does hereby memorialize congress to continue the funding of such programs. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-310. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to ensure that the Federal Emergency Management Agency and the United States Army Corps of Engineers break up large federal disaster recovery contracts in Louisiana so that small, locally owned businesses can compete for and be awarded such contracts; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION No. 4

Whereas, Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state that has threatened the safety and security of the citizens of the affected areas of the state of Louisiana; and

Whereas, the destruction caused by these devastating storms damaged public works, such as levees, bridges, and highways, and spread debris over a wide area of the southern part of the State; and

Whereas, the Federal Emergency Management Agency and the United States Army Corps of Engineers have control over a great percentage of the contracts to repair levees, remove debris, and provide for transportation of trailers and other important activities vital to the restoration and revitalization of the affected areas of Louisiana; and

Whereas, for the most part, these contracts have been awarded to large companies with the result being that small local companies have been shut out of the process; and

Whereas, it is likely that breaking up these large contracts would make it more likely that smaller businesses can be competitive in the bid process; and

Whereas, the awarding of contracts to smaller Louisiana businesses would help to jump start Louisiana post-Katrina economy and help the devastated areas and their people to quicken the pace of recovery. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure that the Federal Emergency Management Agency and the United States Army Corps of Engineers break up large federal disaster recovery contracts in Louisiana so that small, locally owned businesses can compete for and be awarded such contracts. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-311. A resolution adopted by the Senate of the Legislature of the State of Illinois relative to supporting the Secure America and Orderly Immigration Act of 2005; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 578

Whereas, the Secure America and Orderly Immigration Act of 2005 (S. 1033 and H.R. 2330) would require the Secretary of Homeland Security to develop and implement a National Strategy for Border Security, establish a H-5A essential worker visa program for low-skilled workers, and exempt immediate relatives of U.S. citizens from the annual cap on family-sponsored immigrant visas; and

Whereas, the United States House of Representatives passed H.R. 4437 that would criminalize the undocumented, their employers, and asylum-seekers alike, tear apart families, and needlessly devastate our economy; and

Whereas, the United States of America was founded by immigrants who traveled from around the world to seek a better life; and

Whereas, the United States has an undocumented population of 11 million immigrants, including half a million in Illinois; and

Whereas, Illinois immigrants fill key roles in our economy such as paying taxes, including contributions to Social Security that they cannot receive back, raising families, and contributing to our schools, churches, neighborhoods, and community; and

Whereas, our current immigration system contributes to long backlogs, labor abuses, countless deaths on the border, and vigilante violence and is in dire need of reform to meet the challenges of the 21st century; and

Whereas, any comprehensive reform must involve a path to citizenship for these hardworking immigrants, as well as reunification of families and a safe and orderly process for enabling willing immigrant workers to fill essential jobs in our economy and ensure full labor rights; and

Whereas, the immigration initiative severely punishes illegal employment practices while creating a path to earned permanent legal status for individuals who have been working in the United States, paying taxes, obeying the law, and learning English, and protecting workers by ensuring the right to change jobs, join a union, and report abusive employment situations; and

Whereas, modernizing our antiquated and dysfunctional immigration system will uphold our nation's basic values of fairness, equal opportunity, and respect for the law; therefore, be it

Resolved, by the Senate of the Ninety-Fourth General Assembly of the State of Illinois, That we urge the Illinois Congressional Delegation and all of Congress to support "The Secure America and Orderly Immigration Act of 2005" (S. 1033 and H.R. 2330), which allows every hardworking, law-abiding individual to achieve the American Dream; and be it further

Resolved, That copies of this resolution be delivered to the President of the United States, the President of the Senate, the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, and each member of the Illinois Congressional Delegation.

POM-312. A resolution adopted by the Senate of the Legislature of the State of Illinois relative to a private bill in the United States Congress that was introduced by Congressman BOBBY RUSH in September 2005 on behalf of the La Familia group; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 523

Whereas, United States citizen children throughout Illinois and the nation are being separated from either their father or mother because of our broken immigration laws; this causes great emotional and financial harm to these children and violates the right to family unity; and

Whereas, the thirty-five families, which come from nearly all of the congressional districts in Illinois and are known as La Familia Latina Unida (La Familia), represent families separated, or threatened by the prospect of separation, by the broken immigration laws and regulations that span the State of Illinois; these individuals are mothers or fathers of U.S. citizen children and are married, in most cases, to U.S. citizen spouses; the hardship claimed in each case is the hardship on these U.S. citizens that has occurred due to the separation or imminent separation of their families; and

Whereas, these thirty-five families, including their one hundred U.S. citizen children, have waged a courageous public campaign on their own behalf and on behalf of similarly affected families throughout the nation; the hardship faced by these families is both economic and emotional; and

Whereas, H.R. 3856, a private bill in the United States Congress, was introduced by Congressman BOBBY RUSH in September of this year on behalf of the La Familia group; this bill would confer legal status on the mothers or fathers of these families and allow for their permanent unification; and

Whereas, the immigration cases that are represented encompass a range of human and legal situations that will be highly instructive to the immigration debate in the U.S. Senate; in many of these cases, the individuals have presented themselves fully and completely through the process dictated and have been denied because of the rule that restricts travel to their country of origin in family emergencies, even though they have fully presented themselves in their required applications; and

Whereas, due to the difference in House and Senate rules relating to private bills, the introduction of a companion bill in the U.S. Senate will provide for the more immediate security of these families and allow them to continue their public testimony, a testimony vitally in the public interest in the midst of the upcoming debate over reform of immigration laws; and

Whereas, support for the private bill in the House and Senate does not represent support for any particular immigration reform bill; therefore, be it

Resolved, by the Senate of the Ninety-fourth General Assembly of the State of Illinois, That we strongly recommend passage of H.R. 3856 and the introduction of its companion in the U.S. Senate; and be it further

Resolved, That we encourage the United States Congress to take action on federal immigration reform, which would provide for family unification as part of part of comprehensive immigration reform; and be it further

Resolved, That suitable copies of this resolution be forwarded to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, and to each member of the Illinois Congressional delegation.

POM-313. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to secure our nation's borders, identify and deport immigration violators, preclude automatic citizenship for children born of such violators, and revise the work visa program; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 33

Whereas, we support legal immigration to our country and acknowledge the tremendous contributions made by legal immigrants throughout our history to our economy and society; and

Whereas, we must strengthen the Border Patrol to stop illegal crossing and must

equip the Border patrol with the tools, technologies, structures, and sufficient force necessary to secure the border; and

Whereas, it is estimated that eleven million citizens of other countries have entered and currently remain in the United States in violation of applicable immigration and naturalization laws; and

Whereas, the ability of such persons to illegally enter and remain in the United States presents a grave risk to the security of the United States; and

Whereas, in many instances the resources of national, state, and local governmental entities are overburdened and depleted or exhausted by attempts to deal with and meet the needs of such persons after they illegally enter the United States; and

Whereas, border security and immigration law enforcement are critical elements in America's national security; and

Whereas, strengthening the capacity of law enforcement to apprehend persons entering our country illegally is essential to protecting the sovereignty of the United States; and

Whereas, immigration enforcement training needs to be provided to state and local law enforcement agencies to strengthen their enforcement of immigration laws; and

Whereas, withholding United States citizenship from children born to illegal aliens will remove another incentive to enter our country illegally; and

Whereas, all employers in the United States should be held responsible for hiring illegal aliens and be subjected to substantial fines for doing so; and

Whereas, working or residing illegally in our country must not establish welfare rights or benefits of any kind; and

Whereas, respect for the rule of law is a bedrock principle of our country, our culture, and our posterity; and

Whereas, elected leaders across the country are constantly and vigorously confronted with demands that appropriate legislative action be taken to address and resolve the problems of illegal immigration. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide appropriate authority and means to accomplish the following:

(1) Effectively secure the borders of the United States against illegal immigration and all other illegal crossings, using our military if necessary.

(2) Identify all persons who are currently in the United States in violation of immigration and naturalization laws and arrange for their return to their country of origin as expeditiously as reasonably possible.

(3) Preclude automatic citizenship for children born in the United States to persons in the United States in violation of immigration and naturalization laws.

(4) After effectively closing our borders to illegal entry, revise our present work visa program to remove the means by which it is abused, requiring a reliable means of tracking entry and exit and continually verifying the identity and location of each such worker, and providing no amnesty or preference for those persons presently in the United States illegally. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America land to each member of the Louisiana congressional delegation.

POM-314. A resolution adopted by the Senate of the State of Michigan relative to providing funding to help states and local communities clean up and address the disastrous

effects of clandestine methamphetamine labs; to the Committee on the Judiciary.

SENATE RESOLUTION No. 101

Whereas, There is a meth epidemic in the United States, and it is having a devastating effect on our country. Meth abuse is causing social, economic, and environmental problems. Children residing in homes with meth labs live in danger and often suffer from neglect and abuse. Meth production costs citizens and governments millions of dollars for a variety of reasons, including law enforcement costs, drug treatment for offenders, cleanup of production sites, and placement of endangered children; and

Whereas, Meth labs leave behind a toxic mess of chemicals and pose a significant danger to communities. The manufacture of one pound of methamphetamine results in six pounds of waste. These wastes include corrosive liquids, acid vapors, heavy metals, solvents, and other harmful materials that can disfigure skin or cause death. Hazardous materials from meth labs are typically disposed of illegally and may cause severe damage to the environment; and

Whereas, Between 1992 and 2004, the number of clandestine meth lab-related cleanups increased from 394 to over 10,000 nationwide. The cost of cleaning up clandestine labs in FY 2004 was approximately \$17.8 million; and

Whereas, States and local governments are bearing the burden of funding the cleanup efforts. Many local communities are finding and seizing meth labs. The lab sites remain dangerous to the public, however, because neither the state or the local community has adequate funding to clean them up; and

Whereas, The Combat Meth Act of 2005, which was recently signed into law as a part of the USA Patriot Improvement and Reauthorization Act of 2005, authorizes cleanup funding, but only for areas designated "Meth Hot Spots." The meth epidemic is a national crisis, however, and scores of states and local governments across the country are in dire need of funding to help clean up clandestine labs; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to provide funding for meth lab cleanup that is available to all states and local governments that are in the midst of the meth epidemic; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-315. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to increasing the penalties imposed upon a person who vandalizes a national war memorial; to the Committee on the Judiciary.

HOUSE RESOLUTION No. 628

Whereas, The Civil War is the bloodiest and most tragic war in which this country has ever engaged, and indisputably its worst conflagration occurred July 1 through 3, 1863, in Gettysburg; and

Whereas, there were more than 52,000 human casualties during this three-day event, and nearly every Civil War unit for the North and for the South was engaged; and

Whereas, in the years following the war and continuing through the 1990s with the 1993 dedication of the Friend to Friend Memorial, war memorials have been erected by private donations, publicly dedicated and maintained by the National Park Service as testimony of the sacrifices made by those who fought at Gettysburg; and

Whereas, on February 15, 2006, three Civil War monuments on the Gettysburg Battlefield were vandalized heinously, one representing the 114th PVI Pennsylvania monument and two others representing New York and Massachusetts; and

Whereas, this vandalism demonstrates that present penalties are insufficient to deter such actions; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to increase the minimum fines and other minimum penalties for vandalizing a national war memorial; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-316. A resolution adopted by the Council of the Borough of Roselle Park, State of New Jersey relative to opposing New York/New Jersey/Philadelphia Metropolitan Airspace Redesign proposals of the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

POM-317. A resolution adopted by the Township Committee of the Township of Winfield, State of New Jersey relative to opposing New York/New Jersey/Philadelphia Metropolitan Airspace Redesign proposals of the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

POM-318. A resolution adopted by the Council of the City of Gretna, State of Louisiana relative to enacting the "Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006"; to the Committee on Energy and Natural Resources.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DOMENICI for the committee on Energy and Natural Resources.

*Dirk Kempthorne, of Idaho, to be Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 2774. A bill to ensure efficiency and fairness in the awarding of Federal contracts in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HUTCHISON:

S. 2775. A bill to extend the temporary suspension of duty on electrical radio broadcast receivers not combined with a clock; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2776. A bill to extend the temporary suspension of duty on electrical radio broadcast

receivers combined with a clock; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2777. A bill to extend the temporary suspension of duty on hand-held radio scanners; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. GREGG):

S. 2778. A bill to suspend temporarily the duty on ethanol; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. VITTER):

S. 2779. A bill to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INHOFE (by request):

S. 2780. A bill to authorize the Administrator of the Environmental Protection Agency to advance cooperative conservation efforts, to reduce barriers to the formation and use of partnerships to enable Federal environmental stewardship agencies to meet the conservation goals and obligations of the agencies, to promote remediation of inactive and abandoned mines, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. CHAFEE, and Ms. MURKOWSKI):

S. 2781. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

By Mr. TALENT (for himself, Mr. HARKIN, Mr. BOND, and Mr. LUGAR):

S. 2782. A bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEAHY (for himself, Mr. FRIST, Mr. REID, Mr. BIDEN, Mr. DURBIN, Mr. OBAMA, Mr. GRASSLEY, Mr. CORNYN, Mr. BROWNBACK, Mr. GRAHAM, Ms. STABENOW, Mr. MENENDEZ, Mr. ALLEN, Ms. CANTWELL, and Mr. KYL):

S. Res. 472. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. TALENT, and Mrs. LINCOLN):

S. Res. 473. A resolution designating May 14, 2006, as "National Police Survivors Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. REED) was withdrawn as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr.